

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|---------------------------|---|---------------------|
| -----X | : | |
| JOSEPH VOLFMAN, | : | |
| | : | |
| Plaintiff, | : | |
| | : | 22-CV-10742 (VSB) |
| -against- | : | |
| | : | <u>ORDER</u> |
| MARRON PASTRY INC and 270 | : | |
| BLEECKER STREET, | : | |
| | : | |
| Defendants. | : | |
| -----X | | |

VERNON S. BRODERICK, United States District Judge:


On December 20, 2022, Joseph Volfman (“Volfman” or “Plaintiff”) initiated this action by filing a complaint. (Doc. 1.) On January 11, 2023, Plaintiff served Defendants Marron Pastry Inc. (“Marron”) and 270 Bleecker Street LLC (“270 Bleecker,” together with Marron, “Defendants”). (Docs. 7–8.) Although the deadline for Defendants to respond to Plaintiff’s complaint was February 1, 2023, (Docs. 7–8), to date they have not done so. On February 2, 2023, I entered an order directing the Plaintiff to seek a default judgment “in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than February 15, 2023.” (Doc. 9.) I warned Plaintiff that if he failed to do so “or otherwise demonstrate that he intends to prosecute this litigation, I may dismiss this case for failure to prosecute.” (*Id.*) On February 15, 2023, Plaintiff sought an extension of time to move for default judgment. (Doc. 10.) I granted this request and gave Plaintiff an additional thirty days to seek default judgment. (Doc. 11.)

On March 15, 2023, Plaintiff filed proposed Certificates of Default and an affirmation in support of the proposed certificates. (Docs. 12–15.) The Clerk of the Court entered the

Certificates of Default as to both Defendants on March 16, 2023. (Docs. 16–17.) Plaintiff has not taken any other action or requested an extension of time to seek default judgment. Rule 4H of my Individual Rules and Practices in Civil Cases states that “[a] plaintiff seeking a default judgment must proceed by way of an order to show cause pursuant to the procedure set forth in Attachment A.” Plaintiff is hereby given until April 24, 2023 to seek default judgment through the procedure detailed in Attachment A of my Individual Rules and Practices in Civil Cases before I dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: April 10, 2023
New York, New York


Vernon S. Broderick
United States District Judge